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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/664,235	09/17/2003	Richard W. Molstad	10385US01	3715

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Attention: Eric D. Levinson  
Imation Corp.  
Legal Affairs  
P.O. Box 64898  
St. Paul, MN 55164-0898

EXAMINER

RENNER, CRAIG A

ART UNIT	PAPER NUMBER
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2652

DATE MAILED: 01/10/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/664,235

Applicant(s)

MOLSTAD ET AL.

Examiner

Craig A. Renner

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 21 October 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-25 is/are pending in the application.
- 4a) Of the above claim(s) 20-25 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-5, 8-16 and 19 is/are rejected.
- 7) ☐ Claim(s) 6, 7, 17 and 18 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 17 September 2003 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>17 December 2003</u> . | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Election/Restrictions***

1. Applicant's election without traverse of "Group I (claims 1-19)" in the reply filed on 21 October 2005 is acknowledged. Accordingly, claims 20-25 are withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to one or more non-elected inventions/species, there being no allowable generic or linking claim.

### ***Drawings***

2. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they include one or more reference signs not mentioned in the description. Note, for instance, "74" (shown in FIG. 4, for instance).

Corrected drawing sheets in compliance with 37 CFR 1.121(d), or an amendment to the specification to add the reference sign(s) in the description in compliance with 37 CFR 1.121(b) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

***Specification***

3. The disclosure is objected to because of the following informalities:
  - a. In line 7 of paragraph [0036] on page 8, "head 12" should be changed to --head 52-- in order to be consistent with the remainder of the disclosure.
  - b. In line 1 of claim 11, "wherein data storage tape" should be changed to --wherein the data storage tape-- in order to more clearly refer back to its antecedent set forth in line 2 of independent claim 1.

Appropriate correction is required.

***Claim Rejections - 35 USC § 102***

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claims 1-5, 10-16 and 19 are rejected under 35 U.S.C. 102(b) as being anticipated by Ohta et al. (US 4,510,453).

With respect to claims 1-5 and 10-11, Ohta teaches a system comprising data storage tape (line 48 in column 5, for instance) comprising first and second sides (i.e., an upper side and a lower side, that is, first and second sides are not necessarily opposing); a turntable (20); and a head (10) mounted on the turntable, wherein the

turntable rotates to allow the head to access the first and second sides of the data storage tape (as shown in FIGS. 6C and 11A, for instance) [as per claim 1]; wherein the head accesses the first and second sides by contacting the first and second sides (lines 47-48 in column 5, for instance) [as per claim 2]; wherein the turntable rotates to position the head in a first position (as shown in FIG. 6C, for instance) and a second position (as shown in FIG. 11A, for instance) [as per claim 3]; wherein the first position of the head comprises approximately 180 degrees of rotation of the turntable relative to the second position of the head (as shown in FIGS. 6C and 11A, for instance) [as per claim 4]; wherein the turntable moves relative to a tape path of the data storage tape (as shown in FIGS. 6C and 11A, for instance) [as per claim 5]; wherein the head comprises a head selected from a group consisting of a magnetic read head, a magnetic write head, a magnetic read/write head, a servo write head, and a servo verify head (lines 14-16 in column 4, for instance, i.e., a magnetic read/write head) [as per claim 10]; and wherein the data storage tape comprises tape selected from a group consisting of magnetic tape, magneto-optical tape, optical tape, and holographic tape (lines 54-55 in column 6, for instance, i.e., magnetic tape) [as per claim 11].

With respect to claims 12-16 and 19, Ohta teaches a data storage tape drive comprising a head (10) mounted on a turntable (20), wherein the turntable rotates to allow the head to access first and second sides (i.e., an upper side and a lower side, that is, first and second sides are not necessarily opposing) of a data storage tape (line 48 in column 5, for instance) [as per claim 12];, wherein the head accesses the first and second sides by contacting the first and second sides (lines 47-48 in column 5, for

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instance) [as per claim 13]; wherein the turntable rotates to position the head in a first position and a second position (as shown in FIGS. 6C and 11A, for instance) [as per claim 14]; wherein the first position of the head comprises approximately 180 degrees of rotation of the turntable relative to the second position of the head (as shown in FIGS. 6C and 11A, for instance) [as per claim 15]; wherein the turntable moves relative to a tape path of the data storage tape (as shown in FIGS. 6C and 11A, for instance) [as per claim 16]; and wherein the head comprises a head selected from a group consisting of: a magnetic read head, a magnetic write head, a magnetic read/write head, a servo write head, and a servo verify head (lines 14-16 in column 4, for instance, i.e., a magnetic read/write head) [as per claim 19].

### ***Claim Rejections - 35 USC § 103***

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

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8. Claims 8-9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ohta et al. (US 4,510,453).

Ohta teaches the system as detailed in paragraph 5, supra. Ohta, however, remains silent as to the data storage tape system further comprising "guides." Official notice is taken of the fact that it is notoriously old and well known in the art to have a data storage tape system further comprise guides in the same field of endeavor for the purpose of enabling track alignment. It would have been obvious to a person having ordinary skill in the art at the time the invention was made to have had the data storage tape system of Ohta further comprise guides. The rationale is as follows:

One of ordinary skill in the art would have been motivated to have had the data storage tape system of Ohta further comprise guides since such enables track alignment.

#### ***Pertinent Prior Art***

9. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. This includes King et al. (US 6,856,488), which teaches a data storage tape system with a head mounted on a turntable.

#### ***Allowable Subject Matter***

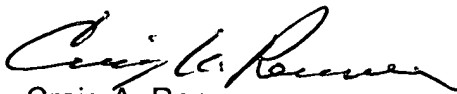
10. Claims 6, 7, 17 and 18 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

***Conclusion***

11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Craig A. Renner whose telephone number is (571) 272-7580. The examiner can normally be reached on Tuesday-Friday 9:00 AM - 7:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, A. L. Wellington can be reached on (571) 272-4483. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
Craig A. Renner  
Primary Examiner  
Art Unit 2652

CAR